

04 October 2023

Our Ref: 4842951 File Ref: MCU2023/0006 Enquiries: Jorja Feldt

North Queensland Hotel Investments PL C/- BNC Planning PO Box 5463 **TOWNSVILLE QLD 4820**

Sent via email: enquiries@bncplanning.com.au

Dear Benjamin,

Decision Notice – Approval

(Given under Section 63 of the Planning Act 2016)

The assessment manager wishes to advise that the application was approved under delegation on 04 October 2023. The approval is subject to reasonable and relevant conditions and supported by a notice of reasons as detailed below:

Applicant details

Applicant name: North Queensland Hotel Investments	PL C/- BNC Planning
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Location details

Street address:	9 Mosman Street, Charters Towers City QLD 4820
Real property description:	Lot 53 on SP210857
Current lawful use:	Hotel

Application details

Application number: Approval type: Development type: Category of assessment:	MCU2023/0006 Development Permit Material Change of Use Impact Assessment
Description of development:	Hotel (Extension to Existing Hotel) and Partial Demolition of a Local Heritage Place
Definition of use:	A Hotel is defined as the use of premises for— (i) selling liquor for consumption on the premises; or (ii) a dining or entertainment activity, or providing accommodation to tourists and travellers, if the use is ancillary to the use in subparagraph (i); but does not include a bar.
Categorising instrument:	Charters Towers Regional Town Plan Version 2

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1. Details of the approval

Details of the approval are listed below in accordance with the Planning Regulation 2017.

	Planning Regulation	Development	Preliminary
	2017 reference	Permit	Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval			

2. Conditions of approval

Condition Number	Condition					Timing
Approved I	Plans/Documents	S				
1)	Development is submitted applic documentation e conditions of this	ation including except where a	the following	plans and supp	oorting	At all times.
	Drawing Title:	Prepared by:	Date:	Reference No:	Revision:	
	Site Plan- General	The Design House	02/06/23	2023-011- C DD 08	4	
	Floor Plan – Ground Floor	The Design House	02/06/23	2023-011- C DD 09	4	
	Floor Plan – First Floor	The Design House	02/06/23	2023-011- C DD 10	4	
	Elevations	The Design House	02/06/23	2023-011- C DD 11	4	
	Floor Plan – Ground Floor	The Design House	02/06/23	2023-011- C DD 00	4	
	Floor Plan – Ground Floor (Annotated with sewer realignment mark up)	The Design House	02/06/23	2023-011- C DD 00	4	
	Demolition Plan GF	The Design House	23/01/23	2023-011- C DD 06	1	
	Demolition Plan FF	The Design House	23/01/23	2023-011- C DD 07	1	
	Site Based Stormwater	Northern Consulting Engineers	02/08/2023	MJ2323- SBSM	A	





Condition Number	Condition					Timing
	Management Plan					
General						
2)	The developmen week.	t is permitted	to operate fro	m 9am to 2ar	n, 7 days per	At all times.
3)	 conditions pre- instance; b) Meet the cost any alteration infrastructure; c) All repairs, alteration 	vailing over the control over the contro	ns within this ne approved pl associated with ons or repa relocations of relevant Cour	an(s) and doc n the developr rs to dama Council infrasi	ument(s) in all nent including aged Council tructure are to	At all times.
Environme						
4)	The construction 0630—1830 Mon holidays as per S Noise generated Environmental Pi (Noise) Policy 20	day to Saturo ection 440R from construc otection Act	lay and not at a of the <i>Environn</i> ction must be w	III on Śunday a <i>nental Protecti</i> ithin the limits	and public <i>on Act 1994</i> . set by the	As part of construction works; and Maintained at all times thereafter.
5)	amenity of ad pollutants; b) The premises are kept in a s	ioining premis including the safe, clean ar	t cause unreas ses because of adjoining Cou d tidy state, an re contained w	noise, air or c incil controllec d	other chemical I road reserve	As part of construction works; and Maintained at all times thereafter.
Operationa	al Works			•	•	
6)	A Development F Council prior to th Application for Op a) Driveways an b) Stormwater M required); and c) Relocation of	ne commence perational Wo d Access; lanagement (l	ment of constructions of construction of the second s	uction. The De the following	evelopment ::	Prior to Development permit of building works.
Building. P	Plumbing and Drai					1
7)	Obtain a Develop Planning Act 201 the National Con- authorities.	ment Permit 6. Constructio	on is to comply	with the <i>Build</i>	ing Act 1975,	Prior to commencement of the use.
8)	Obtain a Permit f the <i>Plumbing and</i> <i>Regulation 2019</i> .	l Drainage Ac	<i>t 2018</i> and the	Plumbing and	l Drainage	Prior to commencement of the use.

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Condition Number	Condition	Timing
	Construction Code: Volume Three – Plumbing Code of Australia 2019, the Queensland Plumbing and Waste Water Code 1: 2019 and the requirements of other relevant authorities.	
9)	All plant and equipment (including air conditioners, exhaust fans and the like) are to be housed, screened and located so that these do not cause environmental nuisance or harm to residential uses in the surrounding area.	Prior to commencement of the use; and Maintained at all times thereafter.
10)	Outdoor lighting is to comply with <i>Australian Standard AS4282 – Control</i> of the Obtrusive Effects of Outdoor Lighting. All lighting at ground level and associated with illuminating ground level areas must be focused downwards and be provided with hoods, shades or other permanent devices to direct illumination downwards and not allow upward lighting to adversely affect the residential uses on this site and the adjoining the sites.	At all times.
Transport		
11)	A total of twenty-one (21) car parking spaces are to be constructed on site generally in accordance with the approved plans, including designated disabled car parking spaces. These spaces and all vehicle movement areas are to be constructed, sealed, line marked, provided with wheel stops and maintained in accordance with and <i>AS2890.1</i> Off- Street Car Parking and the Manual of Design Vehicles and Turning Path Templates SAA HB 72 (AUSTROADS 1995).	In accordance with a Development Permit for Operational Works; and Maintained at all times thereafter.
12)	Construct two (2) driveway crossovers at the nominated ingress and egress locations along the frontage of Bow Street (as shown on the plans) in accordance with Council's standard drawing <i>CTRC-003 Roads</i> <i>commercial driveway slab.</i> Kerb and channelling is required to be reinstated where existing driveways are being decommissioned.	In accordance with a Development Permit for Operational Works; and Maintained at all times thereafter.
13)	No new access locations are permitted to or from Mosman Street.	At all times.
14)	A localised Traffic Impact Assessment for Bow Street must be undertaken by an appropriately qualified and experienced Traffic Engineer in accordance with Austroads guidelines.	Prior to the issue of a Development Permit for
	The assessment must (at a minimum):	Operational Works.





 a. assess and validate existing traffic conditions in the vicinity of the development (on Bow Street) by patrons of the hotel and other users of the Street; b. analyse the impact that development will have on the use of Bow Street related to pedestrians and vehicle movements; c. provide recommendations in relation to any required ameliorative works or augmentation required (ie. Amending traffic flow to oneway) to ensure Bow Street and the proposed access locations are safe and trafficable for its users; d. provide evidence that Bow Street is an appropriate service street for the purpose of waste collection as required by the waste management plan or relocate the proposed refuse storage location. The Traffic Impact Assessment must be submitted to and approved by Council. r All stormwater runoff must be piped from roofed areas and discharged to a kerb and channel drainage system in a Council controlled road, or an 	At all times.
The Traffic Impact Assessment must be submitted to and approved by Council. r All stormwater runoff must be piped from roofed areas and discharged to	At all times.
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	At all times.
approved inter allotment stormwater drainage system, in accordance with Queensland Urban Drainage Manual 2016 and AS3500.3:2018 Plumbing and Drainage - Stormwater Drainage.	
All stormwater works must be carried out in accordance with the approved Site Based Stormwater Management Plan.	Prior to commencement of use.
agement	
Waste storage area/s are to be sufficient in size to house all waste collection containers including recycling waste containers. The waste storage area/s must be suitably enclosed and imperviously paved, with a hose cock and hose fitted near the enclosure to ensure the area can be easily and effectively cleaned.	Prior to commencement of the use; and Maintained at all times thereafter.
Waste storage areas shall be:a) Situated in locations not visible from the street front, andb) Provided with a 1.8m solid screen fence located around storage areas.	At all times.
Provide a waste management plan prepared by a suitably qualified person, that demonstrates the disposal frequency and methodology and demonstrates that the size and location of the proposed refuse storage location is safe, serviceable, and does not cause unreasonable interference with the amenity of nearby sensitive receptors (ie. The dwellings on Bow Street).	Prior to commencement of use.
	 with Queensland Urban Drainage Manual 2016 and AS3500.3:2018 Plumbing and Drainage - Stormwater Drainage. All stormwater works must be carried out in accordance with the approved Site Based Stormwater Management Plan. agement Waste storage area/s are to be sufficient in size to house all waste collection containers including recycling waste containers. The waste storage area/s must be suitably enclosed and imperviously paved, with a hose cock and hose fitted near the enclosure to ensure the area can be easily and effectively cleaned. Waste storage areas shall be: a) Situated in locations not visible from the street front, and b) Provided with a 1.8m solid screen fence located around storage areas. Provide a waste management plan prepared by a suitably qualified person, that demonstrates the disposal frequency and methodology and demonstrates that the size and location of the proposed refuse storage location is safe, serviceable, and does not cause unreasonable interference with the amenity of nearby sensitive receptors (ie. The

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Condition Number	Condition	Timing
20)	 Submit to Council for approval a full Landscaping Plan prepared by a suitably qualified consultant which demonstrates: a) All areas proposed to be landscaped; a) The Species used and their suitability for the North Queensland climate, b) The type of irrigation system used; c) The retention of the existing planter boxes and landscaping on Jane Street and the extension of a similar landscaping design for the full length of the site frontage on Jane Street; and d) Landscaping treatment on the building (ie. hanging plants) for the length of the Mosman Street frontage. Upon approval of the Landscaping Plan, construct and maintain the landscaping. 	In conjunction with a Development Permit for Operational Works; and Maintained at all times thereafter.
21)	A minimum 1.8m high solid fence is to be constructed/maintained on the entire site frontage to Bow Street and Jane Street (with the exception of the approved access locations and where the built form is built to boundary).	Prior to commencement of the use; and Maintained at all times thereafter.
22)	The existing dividing fence between the Shop and the adjacent dwelling house on Mosman Street must be retained and maintained at all times.	Maintained at all times.
Local Herit	tage Place	
23)	The works subject to the Building Works for Demolition of a Local Heritage Place include only those works proposed in the approved plans. No demolition works are permitted to the external built form or any façade with the exception of the rear of the site to facilitate access to the proposed extension. Submit to Council for approval an archival record of the premises prepared by a suitable qualified heritage consultant.	Prior to obtaining a development permit for building works and maintained at all times.
24)	Details of the proposed colours and materials for the extension are to be submitted to Council for endorsement.	Prior to the issue of a Development Permit for Building Work.
Noise Gen	eration	
25)	The approved development must not generate noise that unreasonably interferes with the use and enjoyment of a nearby residential land use.	At all times.





Condition Number	Condition	Timing
Lawful Cor	nmencement	
26)	Request a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.	Prior to the commencement of the use
27)	Notify Council within 20 business days that this approved use has lawfully commenced.	Prior to the commencement of the use

Ad	visory Notes
	ale or Intensity of Use
A.	Any proposal to increase the scale or intensity of the use/new use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the <i>Planning Act 2016</i> and would have to comply with the requirements of the relevant provisions.
Lo	cal and State Heritage
B.	The Charters Towers Regional Council local government area contains significant Local and State heritage features including stone pitch kerbing and channels and footbridges. Persons damaging or removing Local or State heritage features may be prosecuted and fined with the maximum penalty under the <i>Planning Act 2016.</i> Please contact Council prior to commencing any works, to determine if there are any Local or State heritage features within or adjacent to the premises.
Ab	original and Cultural Heritage
C.	The Aboriginal Cultural Heritage Act 2003 and Torres Strait Islander Cultural Heritage Act 2003 requires anyone who carries out a land-use activity to exercise a duty of care. Land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. Prior to carrying out works, it is advised that you contact the Department of Aboriginal and Torres Strait Islander Partnerships on (07) 4799 7470 or by post at PO Box 5620 TOWNSVILLE QLD 4810. For further information on cultural heritage duty of care please visit: https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage/cultural-heritage-duty-care
Ab	andoned Mine Shafts
D.	
We	et Tropics World Heritage Area
E.	Tropics World Heritage Area and is governed by the <i>Wet Tropics World Heritage Protection and</i> <i>Management Act 1993</i> and the <i>Wet Tropics Management Plan 1998</i> . Prior to carrying out works, it is advised that you contact the Wet Tropics Management Authority on (07) 4241 0500 or by post at PO Box 2050 CARINS QLD 4870. For further information including viewing the Act, Management Plan and Interactive Mapping, please visit: <u>http://www.wettropics.gov.au/</u>
Wc	orkplace Health and Safety
F.	Ensure compliance with the <i>Work Health and Safety Act 2011</i> . It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises





A .1	The second se
Ad	visory Notes
	risks to the health and safety of members of the public at or near the workplace during construction work. It is the principal contractor's responsibility to ensure compliance with the <i>Work Health and Safety Act 2011</i> . It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work. It is the responsibility of the person in control of the workplace to ensure compliance with the <i>Work Health and Safety Act 2011</i> . It states that the person in control of the workplace to ensure compliance with the <i>Work Health and Safety Act 2011</i> . It states that the person in control of the workplace to ensure compliance with the <i>Work Health and Safety Act 2011</i> . It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.
En	vironmental nuisance
G.	Ensure compliance with the <i>Environmental Protection Act 1994</i> . It states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.
	Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Council to cause undue disturbance or annoyance to persons or affect property not connected with the use.
Air	port Operations
H.	Where works may impact on the safety operation of the Charters Towers Airport such as the use of cranes, industrial lighting or involve impacts such as gaseous plumes, it is advised that you contact one of Council's Airport Reporting Officer(s) on (07) 4761 5300 prior to works commencing.
Erç	on Energy and Telstra Corporation Contact Details
I.	 Where a condition requires connections to reticulated electricity and/or telecommunications or a certificate of supply, please contact the below: a) Ergon Energy Connection Solution's Team – (07) 4931 1012, and/or b) NBN Co – 1800 687 626.
Со	uncil Forms, Policies and Drawings
J.	In achieving compliance with conditions, the below Council forms will need to be completed for this development: a) F0227 - Application to carry out works on a Council road (including pathways) b) Standard drawings and specifications for driveways and roads
	 c) F0313 – Request for water supply connection or disconnection d) F0347 – Application for sewer main cut-in

3. Currency period for the development application approval

In accordance with section 85 of the Planning Act 2016, this approval has a currency period of six (6) years.

4. Further development permits

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Please be advised that the following development permits are required to be obtained before the development can be carried out:

- 1. Development Permit for Building Work.
- 2. Development Permit for Operational Works (if required).

5. Referral agencies

The development application did not require referral under Schedule 10 of the *Planning Regulation* 2017

6. Submission(s)

Not properly made submissions were received.

7. Notice of reasons

This notice is prepared in accordance with Section 63(5) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application.

Description of the	The proposed development is for a Development Permit for Material Change of Use for Extension of existing Hotel and Building Works approval for a partial demolition of a		
development:	Local Heritage Place.		
Reasons for the decision:	The proposal was assessed against the relevant provisions of the North Queensland Plan 2020 and the Charters Towers Regional Town Plan Version 2 with the proposal found to comply with the applicable codes. Despite the development proposing partial demolition of a local heritage place and presenting a shortfall in carparking, the proposal furthers the strategic framework of the Charters Towers Regional Plan.		
Assessment benchmarks:	The proposed development was assessed against the relevant assessment benchmarks of the Charters Towers Regional Town Plan including the: 1) Heritage Overlay Code; 2) Centre Zone Code; and 3) Development Works Code The proposed development was assessed against all the assessment benchmarks listed about and is considered to comply or can be conditioned to comply. Assessment benchmark: Reasons for the approval despite non-		
		compliance with benchmark:	
	AO8/PO8 Development Works	The site is constrained by an existing Local	
	Code	Heritage Place and additional carparking provision is not physically available to be provided on site.	
	PO2 Heritage Overlay Code	The application is not supported by a r submission of an Engineering report by a suitably qualitied professional (Registered Practicing Engineer of Queensland) that demonstrates the building or structure is structurally unsound,	





		represents a public safety risk and is beyond reasonable repair.
		Notwithstanding, the extent of demolition is predominantly internal and an archival report has been conditioned.
Relevant	There are no additional matters that were considered.	
matters:		
Matters raised	Submission Point:	Council Response:
in	No properly made submissions	N/A
submissions:	were received.	

8. Other requirements under section 43 of the Planning Regulation 2017

There are no other requirements.

9. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision are set out in Chapter 6, Part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*). Information about how to proceed with an appeal to the Planning and Environment Court may be found on the Court's website: http://www.courts.qld.gov.au/courts/planning-and-environment-court.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*. The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 and Schedule 1 of the *Planning Act 2016*.

Should you wish to discuss this matter, please contact Paul Want, Manager Planning and Development on (07) 4761 5522.

Yours faithfully

Paul Want Manager Planning and Development

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